

**HOUSE BUDGET & RESEARCH OFFICE**

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**HOUSE COMMUNICATIONS**

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**TOMORROW'S FORECAST**

\* The House will reconvene for its 29th Legislative Day on Tuesday, March 5, at 10:00 AM.

\* 28 bills are expected to be debated on the floor.

**GEORGIA HOUSE OF REPRESENTATIVES****DAILY REPORT****Monday, March 04, 2013****28th Legislative Day****TODAY ON THE FLOOR****MOTIONS TO AGREE****HB 266 - Internal Revenue Code; certain provisions of federal law into Georgia law; incorporate**

- BILL SUMMARY: HB 266 is the annual update bill to bring the Georgia Revenue Code in line with the Internal Revenue Code. The bill extends the Section 179 (b) (1) and (2) income tax deductions at the current levels provided for within the code. Additionally, retirement income for airline pilots that was forced to be transferred into a Roth account in 2007 and therefore was subject to state tax will become eligible for a refund as long as an amended return is filed by Nov. 15 of this year. The bill also clarifies that the Research and Development credits established in §48-7-40.12 which were earned in tax year 2012 will apply to tax years 2012 and forward. Clarifying language to preclude on-road excise taxed fuel from is tax exempt under the GATE program was added to the bill as well requiring a good-faith standard be applied by retailers who are accepting sales tax exemption certificates.

- **Authored By:** Rep. Allen Peake of the 141st

- **House Committee:** Ways & Means

- *A motion to agree represents final passage of this bill.*

**RULES CALENDAR****HB 34 - Income tax credit; clean energy property; include certain commercial geothermal heat pumps**

- BILL SUMMARY: This legislation clarifies the energy conservation income credit provided for in 48-7-29.14 so as to allow for a three phase heat pump to be allowed in the credit.

- **Authored By:** Rep. Don Parsons of the 44th

- **House Committee:** Ways & Means

- **Rule:** Structured

- **Yeas:** 153; **Nays:** 0

**HB 36 - Game and fish; definition of "game fish"; revise**

- BILL SUMMARY: Section 1

A new subparagraph is added, subparagraph (I), which includes Red Drum within the category of "game fish."

- **Authored By:** Rep. Ben Watson of the 166th

- **House Committee:** Game, Fish, & Parks

- **Rule:** Modified-Open

- **Yeas:** 168; **Nays:** 0

### **HB 45 - Public property; writing off small amounts due to the state; change certain provisions**

- BILL SUMMARY: House Bill 45 extends the ability of state agencies and departments to administratively discharge \$100 or less financial obligations that have been determined uncollectable and are reported within State Accounting Office guidelines until July 1, 2016. The Board of Regents of the University System of Georgia and the Technical College System of Georgia may discharge amounts of \$3,000 or less. In order for these obligations to be considered uncollectable, the agency must provide documentation of the efforts made to collect the debt to the commissioner of the agency, who will determine if the cost of further collection efforts is in the public's financial interest; if not, a certificate will be issued deeming the efforts of collection to be costly and the obligation can then be removed for accounting purposes.

This bill also extends the provisions for the University System and Technical College System of Georgia to maintain collections from tuition and fees, not to exceed three or 15 percent of the collections respectively, as unexpired funds until July 1, 2016.

- **Authored By:** Rep. Earl Ehrhart of the 36th
- **House Committee:** Education
- **Rule:** Modified-Structured
- **Yeas:** 166; **Nays:** 0

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- **Authored By:** Rep. Earl Ehrhart of the 36th
- **House Committee:** Appropriations
- **Rule:** Modified-Structured
- **Yeas:** 166; **Nays:** 0

### **HB 94 - Damages; reduction of earnings to present value; change provisions**

- BILL SUMMARY: HB 94 amends provisions relating to the reduction of future medical expenses, living expenses, lost wages or economic damages to present value. It provides that the trier of fact base may reduce the future damages to present value based on a discount rate of 5 percent or any other discount rate the trier of fact deems appropriate.

- **Authored By:** Rep. Andrew J. Welch of the 110th
- **House Committee:** Judiciary
- **Rule:** Modified-Open
- **Yeas:** 167; **Nays:** 0

### **HB 124 - Local elections; votes cast for disapproval of Sunday alcohol sales by retailers shall not nullify prior election results; provide**

- BILL SUMMARY: House bill 124 relates to the local authorization and regulation of sales of alcoholic beverages on Sundays by upholding past electoral decisions. The legislation states that if more than one-half the votes cast on the question of Sunday package sales were against the matter, their rejection will not nullify the prior election results allowing retailers of malt beverages and wine to allow the sales of said beverages on Sundays between the hours of 12:30 P.M. and 11:30 P.M. The legislation defines a "retail package liquor store" as a retail business establishment owned by an individual, partnership, corporation, association, or other business entity primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in unbroken packages, not for consumption on the premises which derives at least 75% of its total annual gross sales from a combination of these beverages.

- **Authored By:** Rep. Brett Harrell of the 106th
- **House Committee:** Regulated Industries
- **Rule:** Modified-Structured
- **Amendments(s):** N/A
- **Yeas:** 161; **Nays:** 4

## **HB 125 - Lawful presence; certain affidavit for persons under 18 years of age to be executed after attaining the age of 18; provide**

- BILL SUMMARY: HB 125 makes some necessary updates to our Code dealing with immigration. First, it redefines the 'physical performance of services' and allows for an exception from e-verify reporting for contracts smaller than \$2,499.99. HB 125 streamlines the business license process for renewals by only requiring the business submit its federal work authorization user number.

It adds to the definition of 'public benefit.' It streamlines the citizenship verification process for government benefits by only requiring that verification be provided upon initial application for a government benefit or service.

HB 125 allows an exception for

Finally, HB 125 creates a new Code section to establish guidelines for the annual immigration compliance report which each agency and political subdivision is required to send to the Department of Audits and Accounts.

- **Authored By:** Rep. Dustin Hightower of the 68th
- **House Committee:** Judiciary Non-Civil
- **Rule:** Modified-Structured
- **Yeas:** 116; **Nays:** 49

## **HB 127 - Public officers; automatic fee adjustment in cases where funds are not appropriated in certain amounts for specified purposes; provide**

- BILL SUMMARY: HB 127 provides for automatic fee adjustments for certain fees collected, such as: the solid waste disposal fee, the tire disposal fee, certain fees pertaining to traffic violations collected by the courts, certain court filing fees, and penalties related to criminal, quasi-criminal, traffic cases, and bond violations.

For the purpose of making appropriations to the functions required to administer the programs supported by the fees collected, the Office of Planning and Budget (OPB) must determine the base amount of the fee. "Base amount" is defined as the total amount of fee proceeds collected during the fiscal year preceding the fiscal year for which the current appropriation amount is being determined. Additionally, OPB must establish what amount would be 25 percent of the base amount collected in fees, and add that amount to the current appropriation to determine the target amount of appropriation. If the new appropriation is equal to or greater than 95 percent of the base amount, or equal to or greater than the target amount, the amount of the fee collected will not be reduced.

However, if the new appropriation amount is less than the target appropriation amount, the fees collected will automatically be reduced by 25 percent. In this case, OPB must notify the collecting entity, when the Appropriations Act becomes law. Any fiscal year when the appropriation again meets the target amount, the fee amount will increase back to the prior amount. This new automatic adjustment of fees does not preclude any appropriation of greater amounts from taking place by OBP. Each collecting agency affected by this bill must confer with OPB to promulgate rules and regulations as would be required, including appropriate public notification of any fee amount change.

Prior to the adoption of the current fiscal year's amended supplementary appropriations bill, the application of a single fee outlined in this Code section may be waived and suspended for up to a single fiscal year.

- **Authored By:** Rep. Jay Powell of the 171st
- **House Committee:** Appropriations
- **Rule:** Structured
- **Yeas:** 159; **Nays:** 0

## **HB 131 - HOPE; dual credit courses; treated the same as advanced placement and international baccalaureate courses for determining eligibility; provide**

- BILL SUMMARY: HB 131 amends O.C.G.A. 20-2-157 by providing that dual credit courses shall be treated in the same manner as advanced placement and international baccalaureate courses for purposes of determining eligibility for the HOPE scholarship.

- **Authored By:** Rep. Valerie Clark of the 101st
- **House Committee:** Higher Education
- **Rule:** Modified-Structured
- **Yeas:** 169; **Nays:** 1

### **HB 139 - Sheriffs; general qualification requirements; revise**

- BILL SUMMARY: HB 139 allows a person to sign an affidavit instead of producing a high school diploma for sheriff qualification. In addition to the affidavit, the person must produce a certified copy of his or her birth certificate. It also allows the person three (3) days after qualifying to have a fingerprint check.
- **Authored By:** Rep. Mark Hamilton of the 24th
- **House Committee:** Judiciary
- **Rule:** Modified-Open
- **Yeas:** 168; **Nays:** 0

### **HB 146 - Criminal procedure; the issuance of arrest and search warrants by video conference; change provisions**

- BILL SUMMARY: HB 146 removes the existing geographic restriction on the location of a judge signing an electronic warrant.
- **Authored By:** Rep. Tom Weldon of the 3rd
- **House Committee:** Judiciary Non-Civil
- **Rule:** Modified-Structured
- **Yeas:** 166; **Nays:** 1

### **HB 192 - Podiatry; podiatric medicine includes the diagnosis and treatment of cosmetic conditions regarding the human foot and leg; provide**

- BILL SUMMARY: House Bill 192 amends the definition of podiatry practice to include the diagnosis and treatment of cosmetic conditions relating to the human foot and leg.
- **Authored By:** Rep. E. Culver "Rusty" Kidd of the 145th
- **House Committee:** Health & Human Services
- **Rule:** Modified-Open
- **Yeas:** 161; **Nays:** 4

### **HB 199 - Georgia Environmental Finance Authority; expand Georgia Reservoir Fund**

- BILL SUMMARY: HB 199 changes the 'Georgia Reservoir Fund' to the 'Georgia Reservoir and Water Supply Fund' and extends the water supply division of the Georgia Environmental Finance Authority's scope to make loans and grants to local governments.

The bill also amends O.C.G.A. 12-5-471 by extending the definition of 'project' to include the acquisition of real property for any water supply system; the construction of any water supply system; the acquisition of real property or personal property surrounding any water supply system, including any interest in such property, assets reasonable to develop any water supply system comprised of new or existing reservoirs, and any means of combination of means of providing or enhancing water supply.

The bill also amends the definition of 'affected local government' in O.C.G.A. 36-91-100 by including consolidated governments in which water supply, monitoring, distribution, conservation, or maintenance facilities of a project are located or proposed to be located.

The bill also amends the definition of 'environmental facilities' to include "systems", and also allows for "monitoring" water to be a delineated purpose for an environmental facility, and for "conservation" to be one of the approved functions of a facility.

- **Authored By:** Rep. Edward Lindsey of the 54th
- **House Committee:** Natural Resources & Environment
- **Rule:** Modified-Structured
- **Yeas:** 169; **Nays:** 0

### **HB 207 - Licenses; issuance of a special turkey-hunting permit for young and mobility impaired hunters; authorize**

- BILL SUMMARY: HB 207 (LC 40 0320S)

#### **Section 1**

Article 1 of Chapter 2 of Title 27 is amended by adding a new Code section, 27-2-4.4. This new section defines "mobility impaired person" to mean anyone having one of the following conditions:

1. Dependence upon a wheelchair or similar device
2. Hemiplegia
3. Monoplegia
4. Paraplegia
5. Single-leg amputation above the knee.

If an individual is 16 years or younger or if they are "mobility impaired", the commissioner may issue special authorization to hunt turkeys during an extended open season.

Such special authorization shall only be for the weekend prior to the first weekend of the open turkey season, as established by the department, and shall not be valid for subsequent seasons unless reauthorization is approved.

- **Authored By:** Rep. Jason Shaw of the 176th
- **House Committee:** Game, Fish, & Parks
- **Rule:** Modified-Open
- **Yeas:** 166; **Nays:** 0

### **HB 229 - Insurance; removing the insurer annual publication requirement; provide**

- **BILL SUMMARY:** HB 229 removes the annual financial statement publication requirement for insurance companies and provides that the Commissioner shall provide on the department's website a financial summary position of each insurer.
- **Authored By:** Rep. Sam Teasley of the 37th
- **House Committee:** Insurance
- **Rule:** Modified-Open
- **Yeas:** 170; **Nays:** 0

### **HB 256 - Tobacco; regulation of cigar wraps; provide**

- **BILL SUMMARY:** HB 256 adds the definition of cigar wraps to the article dealing with tobacco use so that it will be regulated like other tobacco products.
- **Authored By:** Rep. Ben Harbin of the 122nd
- **House Committee:** Juvenile Justice
- **Rule:** Modified-Open
- **Yeas:** 166; **Nays:** 1

### **HB 268 - Agricultural products dealers; cotton and eggs from definition of "agricultural products"; remove**

- **BILL SUMMARY:** Section 1

The substitute bill, (LC 40 0336S) amends several code sections in Title 2 and one in Title 43. Code Section 2-9-1 is amended by revising definitions of agricultural products to include eggs. The definition of dealer in agricultural products is modernized to include the words 'or her' in the definition.

#### **Section 2**

The bill revises Code Section 2-9-4 relating to licenses for dealers in agricultural products to provide that an annual fee not to exceed \$400.00 shall be required before a license is issued, and such license shall be valid until revoked or suspended as provided in this article or until the annual license renewal fee is unpaid.

#### **Section 3**

The bill further amends Code Section 2-9-5 to provide that the bond shall be equal to the maximum amount of products purchased from or sold for Georgia producers or estimated to be purchased or sold in any month by the applicant; provided however, that the minimum amount of such bond shall be \$10,000.00 and the maximum amount of such bond shall be \$230,000.00; provided that in the case of pecans, such bond shall not exceed \$500,000.00.

Also adds new language to provide that if a bond of a dealer is canceled, the license of such person shall be immediately revoked by operation of law and without notice or hearing and such person shall be ineligible to reapply for such license for a period of four years after such revocation.

#### **Section 4**

The substitute provides for new language in Section 4 which provides for exclusions: 1.) Farmers or groups of farmers in the sale of agricultural products grown by themselves; 2.) Persons who buy for cash, paying at the time of purchase in U.S. currency, certified check, cashier's check, or the equivalent; or 3.) Holders of food sales establishment licenses issued pursuant to Article 2 of Chapter 2 of Title 26, the 'Georgia Food Act,' who conduct no business at the wholesale level and who have fewer than ten employees.

(b) No warehouse that is in full compliance with the provisions of Article 1 of Chapter 4 of title 10 shall be required to obtain a license or maintain a surety bond under this article.

#### **Section 5**

The bill revises the definition of grain to include but not limited to wheat, corn, oats, barley, rye field peas, soybeans, clover and grain sorghum. The term does not include grain which has been produced or packaged for purchase or distribution as seed. The definition of grain dealer has been modernized to include the words 'or her'.

#### **Section 6**

The legislation amends the surety bond maximum amount from \$150,000.00 to \$300,000.00.

## Section 7

Repeals chapter 31 of Title 43 relating to pecan dealers and processors and designates said chapter as reserved.

## Section 8

All laws and parts of laws in conflict with this Act are repealed.

- **Authored By:** Rep. Buddy Harden of the 148th
- **House Committee:** Agriculture & Consumer Affairs
- **Rule:** Modified-Open
- **Yeas:** 167; **Nays:** 1

### **HB 271 - Individual's criminal history record information; revise definitions**

- BILL SUMMARY: HB 271 allows a court to restrict a felony charge that did not result in a conviction, if the individual was convicted of an unrelated misdemeanor (not a lesser included offense of the felony), and can demonstrate that the harm to the individual clearly outweighs the public's interest in the record being available.
- **Authored By:** Rep. Jay Neal of the 2nd
- **House Committee:** Judiciary Non-Civil
- **Rule:** Modified-Open
- **Yeas:** 168; **Nays:** 0

### **HB 296 - Motor vehicles; authorized to receive registration records; add certain persons**

- BILL SUMMARY: HB 296 adds licensed private investigators to the list of individuals allowed to obtain motor vehicle registration and certificate of title records from the Georgia Department of Revenue. It gives the Commissioner of the Department of Revenue the authority to promulgate rules and regulations as to how these records may be obtained.
- **Authored By:** Rep. Alan Powell of the 32nd
- **House Committee:** Governmental Affairs
- **Rule:** Modified-Structured
- **Yeas:** 125; **Nays:** 37

### **HB 297 - State wild flower; designate the native azalea**

- BILL SUMMARY: The bill amends Code Section 50-3-54 to designate the native azalea (*Rhododendron* sp.) as the Georgia state wild flower.
- **Authored By:** Rep. Debbie Buckner of the 137th
- **House Committee:** Agriculture & Consumer Affairs
- **Rule:** Modified-Open
- **Yeas:** 172; **Nays:** 0

### **HB 310 - Elections; ethics in government; revise definitions; provisions**

- BILL SUMMARY: This bill adds the payment of a qualifying fee by a candidate and the payment of attorney's fees connected to and furthering the campaign to the definition of an ordinary and necessary expense. The bill also addresses how notice of late fee will be provided to the offending party. It will be provided in the same manner the report was provided to the commission. The mailing of a report that is postmarked by the required filing date will be considered prima facie evidence of filing. When a campaign is terminated a report must be filed with the commission within ten days.
- **Authored By:** Rep. Joe Wilkinson of the 52nd
- **House Committee:** Ethics
- **Rule:** Modified-Structured
- **Yeas:** 164; **Nays:** 0

### **HB 317 - Medical Practice Act of the State of Georgia; administrative medicine licenses; provide**

- BILL SUMMARY: House Bill 317 amends the Code Section to allow for "administrative medicine" to be defined and licensed in the State of Georgia.

The bill defines "administrative medicine" as "administration or management utilizing the medical and clinical knowledge, skill, and judgment of a licensed physician capable of affecting the health and safety of the public or any person but shall not include the practice of medicine."

People practicing administrative medicine are subject to the same provisions and rules of the board as a full licensed, but are not authorized to engage in the practice of medicine.

The Medical Composite Board is required to adopt rules for the issuance of an administrative medicine license. These rules must include:

- 1.) Eligibility for the license.
- 2.) Issuance and renewal of the license.
- 3.) The fees applicable to the license.
- 4.) Continuing education requirements.

5.) The scope of practice of a person who holds the license.

- **Authored By:** Rep. Sharon Cooper of the 43rd
- **House Committee:** Health & Human Services
- **Rule:** Modified-Structured
- **Yeas:** 165; **Nays:** 0

### **HB 332 - Georgia Board of Nursing; reconstitute; provisions**

- **BILL SUMMARY:** House Bill 332 reconstitutes the Georgia Board of Nursing. This bill states that in the event that a board member changes employment which conflicts with this code section, the position will be immediately vacant. The board will consist of 13 members appointed by the Governor and confirmed by the Senate. The new board must consist of two registered nursing educators, one practical nursing educator, two registered nurses employed in nursing service administration, one registered nurse employed in nursing home administration or nursing service administration, two advanced practice nurses, one additional registered nurse, three licensed practical nurses, and one consumer member. The bill also eliminates the Georgia Board of Examiners of Licensed Practical Nurses.

- **Authored By:** Rep. Bruce Williamson of the 115th
- **House Committee:** Health & Human Services
- **Rule:** Modified-Open
- **Yeas:** 166; **Nays:** 0

### **HB 337 - Elementary and secondary education; public and private schools to stock supply of auto-injectable epinephrine; authorize**

- **BILL SUMMARY:** House Bill 337 authorizes public and private schools to stock a supply of auto-injectable epinephrine. This bill also states that the school shall designate an employee or agent trained in the possession and administration of the auto-injectable epinephrine to be responsible for the storage, maintenance and distribution of it.

- **Authored By:** Rep. Barry Fleming of the 121st
- **House Committee:** Education
- **Rule:** Modified-Open
- **Yeas:** 169; **Nays:** 0

### **HB 345 - Teachers Retirement System of Georgia; clarify and consolidate the definitions of the term "teacher"**

- **BILL SUMMARY:** This bill consolidates and clarifies the definition of a "teacher" under Chapter 3 of Title 47 of the Official Code of Georgia, relating to the Teachers' Retirement System of Georgia. This is a nonfiscal retirement bill.

- **Authored By:** Rep. Tommy Benton of the 31st
- **House Committee:** Retirement
- **Rule:** Modified-Open
- **Yeas:** 164; **Nays:** 0

### **HB 350 - Group-care facility operators; persons otherwise issued licenses as provided by law; provide exceptions**

- **BILL SUMMARY:** HB 350 subjects all day care employees to national and state fingerprint checks. Current law only requires day care directors to be subject to national fingerprint checks and exempts employees altogether.

- **Authored By:** Rep. Allen Peake of the 141st
- **House Committee:** Judiciary Non-Civil
- **Rule:** Modified-Structured
- **Yeas:** 154; **Nays:** 18

### **HB 354 - Early Care and Learning, Department of; provide certain information to owners of early care and education programs; require**

- **BILL SUMMARY:** House Bill 354 is relating to the Department of Early Care and Learning (DECAL) and their involvement with early care and learning in Georgia. This bill would revise definitions relating to child care facilities, updates terminology in code relating to child care learning centers (which will no longer be referred to as day-care centers) and recommends that owners of any early care and learning program carry liability insurance coverage.

- **Authored By:** Rep. Valerie Clark of the 101st
- **House Committee:** Education
- **Rule:** Modified-Structured
- **Yeas:** 153; **Nays:** 16

### **HB 361 - Labor organizations membership; provide for definitions; provisions**

- BILL SUMMARY: HB 361 reiterates that Georgia is a "right to work" state. It provides that no employer shall deduct from the wages or other earnings of any employee any fee assessment, or other sum of money whatsoever to be held for or to be paid over to a labor organization except on the annual written authorization from the employee which shall not exceed a period greater than one year. Such authorization may be revoked at any time at the request of the employee.
- **Authored By:** Rep. Edward Lindsey of the 54th
- **House Committee:** Industry and Labor
- **Rule:** Modified-Structured
- **Yeas:** 110; **Nays:** 57

### **HB 362 - Public works contracts; governmental entities and Department of Administrative Services; provide certain contracting and bidding requirements**

- BILL SUMMARY: HB 362 provides that no state agency, authority, department, commission, board, or similar entity that contracts for public works construction shall require the use of unionized labor by the entities with which they contract.
- **Authored By:** Rep. Edward Lindsey of the 54th
- **House Committee:** Industry and Labor
- **Rule:** Modified-Structured
- **Yeas:** 110; **Nays:** 59

### **HB 365 - Safety belts; definition of the term "passenger vehicle" to which the safety belt law applies; modify**

- BILL SUMMARY: HB 365 changes from 10 passengers to 15 passengers as the number of passengers a vehicle is designed to carry for the purposes of requiring the use of a seat belt. It does not apply to 15 passenger vehicles that were not manufactured with seat belts prior to this bill becoming law.
- **Authored By:** Rep. Bill Hitchens of the 161st
- **House Committee:** Motor Vehicles
- **Rule:** Modified-Structured
- **Yeas:** 156; **Nays:** 16

## **LOCAL CALENDAR**

### **HB 224 - Coffee County; reestablish Board of Commissioners**

- BILL SUMMARY: A Bill to replace and update laws so as to reestablish the Coffee County Board of Commissioners.
- **Authored By:** Rep. Chuck Sims of the 169th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 143; **Nays:** 11

### **HB 435 - Fulton County State Court; change compensation of chief judge**

- BILL SUMMARY: A Bill to provide for the duties and compensation of the chief judge of the State Court of Fulton County.
- **Authored By:** Rep. Wendell Willard of the 51st
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 143; **Nays:** 11

### **HB 444 - Fulton County Superior Court; amount of supplement for judges; increase**

- BILL SUMMARY: A Bill to provide compensation for the judges of the Superior Court of Fulton County.
- **Authored By:** Rep. Wendell Willard of the 51st
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 143; **Nays:** 11

### **HB 471 - Calhoun, City of; levy an excise tax**

- BILL SUMMARY: A Bill to authorize the City of Calhoun to levy a hotel/motel tax.
- **Authored By:** Rep. John Meadows of the 5th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 143; **Nays:** 11



## **HB 472 - Gordon County; levy an excise tax**

- BILL SUMMARY: A Bill to authorize Gordon County to levy a hotel/motel tax.
- **Authored By:** Rep. John Meadows of the 5th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 143; **Nays:** 11

*\* The House will reconvene Tuesday, March 5, at 10:00 AM, for its 29th Legislative Day.*

## **COMMITTEE ON RULES**

**The Committee on Rules has fixed the calendar for the 29th Legislative Day, Tuesday, March 5, and bills may be called at the pleasure of the Speaker.**

## **NEXT ON THE FLOOR**

### **HB 1 - Georgia Uniform Civil Forfeiture Procedure Act; enact**

- BILL SUMMARY: HB 1 – the Georgia Uniform Civil Forfeiture Procedure Act

#### **Overview:**

Civil forfeiture laws represent one of the most serious assaults on private property rights in the nation today. It is the power of law enforcement to seize cash, cars, home and other property on the suspicion the property was involved in criminal activity. In a recent Institute for Justice report, Georgia was given a D- for its civil forfeiture laws and practices with only four other states receiving similar low grades.

During the 2011 and 2012 interim, a Forfeiture Rewrite Work Group met to review current forfeiture law and determine whether there was a need to standardize the provisions and consolidate into one primary code section to help streamline the process.

Along with House Judiciary Chairman Wendell Willard, a representative from the Georgia Association of Criminal Defense Attorneys, the Prosecuting Attorney's Council, Attorney's General office and the Administrative Office of the Courts met and discussed in great detail current forfeiture law. With the help of Legislative Counsel, the work group drafted a new Uniform Civil Forfeiture Procedure Act (UCFPA) which will be located in Chapter 16 of Title 9, Civil Practice.

UCFPA establishes comprehensive civil forfeiture proceedings. It is taken from the drug forfeiture statute that has guided the vast majority of forfeitures in this state for the last 20 years. However, the new UCFPA is divided into separate code sections to make it easier to read and understand. The UCFPA improves the current law in Georgia by providing procedural safeguards for defendants by placing it within Title 9, greater protection for innocent owners, more transparency and accountability by strengthening the mandatory reporting requirement. In addition, the bill ensures that those individuals proven guilty of a crime do not keep the fruits of their crime. Therefore, it strikes a much needed balance in forfeiture law between individual property rights and public safety.

#### **Summary:**

##### **Part 1: Civil Forfeiture Procedure**

The first three (3) pages of the bill provide definitions for the new chapter.

9-16-3 and 4 provides for Jurisdiction and Venue

9-16-5 reserved

9-16-6 requires a seizing officer to make a reasonable effort to find and notify a registered owner of a seized vehicle when the owner is not present at the scene of the seizure.

9-16-7 establishes how property may be seized, both with and without process. In addition, it allows courts to retain jurisdiction over an unconstitutional forfeiture if the seizure was made with process or in a good faith belief of probable cause.

9-16-8 gives time frame parameters for notice.

A seizing offer must provide specific inventory information of the seizure to the district attorney within 30 days, and a state attorney must initiate proper proceedings (judicial or nonjudicial for personal property valued at \$5,000 or less) within 60 days of the date of seizure. Failure of either the seizing officer or the state attorney to comply requires the release of the property to the owner/interest holder unless the property is needed as evidence.

9-16-9 provides for forfeiture liens.

It authorizes the state attorney to file a forfeiture lien (and amend when necessary). The filing constitutes notice to any person claiming an interest in the property and will include the names of all individuals claiming interest, description and value of the property, and information on the court where proceedings are being brought.

The lien applies to not only the property and people described in the lien but also to any real property owned or controlled by each named person. After the lien is filed, the state attorney must furnish a copy to any person named. Upon entry of judgment in the state's favor, the state attorney may proceed to execute on it like any other judgment.

Subsection € requires a trustee of property who is aware of a forfeiture proceeding or lien against such property to forward, within 10 days of the trustee's notice, to the state attorney information on the trust agreement. A trustee who fails to comply is guilty of a misdemeanor.

9-16-10 provides for the control of the property. Seized property is in the custody of the State of Georgia subject to the superior court having jurisdiction.

It allows an action to be assigned to the same judge hearing another civil forfeiture action or criminal proceeding involving the same parties or property. It also authorizes the release of the property.

9-16-11 deals with storage of property.

Subsection (b) allows the court, upon motion by the state attorney, claimant or custodian, to order a sale when the property is depreciating in value or is perishable. Income is paid into the court's registry pending final disposition.

Subsection © requires the seizing agency to submit any currency, not needed as evidence, to the clerk of court within 60 days of the seizure to be deposited into an interest-bearing account in county branch where the forfeiture action is located.

9-16-12 establishes non-judicial forfeiture of personal property with an estimated value of \$5,000.00 or less.

Here, the state attorney must post notice of seized personal property in a prominent location in the county courthouse where the property was seized and must also serve a copy of the notice upon an owner/interest holder and person in possession of the property at the time of seizure.

Among other requirements, the notice must include a statement that an owner/interest holder must notify the state attorney in writing within 30 days of the interest in property.

Subsection © sets the timeframe of notification to the state attorney as well as the information that the owner/interest holder must include in the claim. After receipt of a claim, the state attorney then has 30 days to file a complaint for forfeiture and must join any claimant as a party.

If no claim is received within 33 days after notice, the property is forfeited to the state by operation of law, and the state attorney must dispose in accordance with this chapter and serve a copy of the order to any person original served with notice of the seized property.

9-16-13 sets forth the procedure for in rem actions.

- The property subject to the civil action is named as the defendant;
- Lists the requirements for the complaint and requires service of the complaint and summons on any owner/interest holder and any person who is in possession of the property.
- Allows notice by publication where the property subject to the action is real property, or the owner/interest holder is unknown, resides out of state or cannot be found.
- If tangible property has not been seized, this section authorizes the court to order law enforcement to take possession of the property. When taking possession is impracticable, it requires the sheriff to execute process by attaching the complaint and summons to the property and leaving another copy with the person having possession of the property.
- Subsection © requires an owner/interest holder to file an answer asserting a claim against the property within 30 days of notice and sets forth information required for claimant's answer.

0 If no answer is filed within allotted time, subsection € allows the state attorney to seek default judgment and dispose of property as authorized in this chapter.

O When an answer is filed, subsection (f) requires a bench trial within 60 days after the last claimant was served and prohibits discovery unless a party applies to the court to allow it. If discovery is allowed, the court may continue the trial date to a date within 60 days of the end of discovery.

- Allows intervention by an owner/interest holder, or person in possession of the seized property, who has suffered pecuniary or physical injury due to violations of certain code sections.
- Allows an in rem action to be brought in addition to any other in rem or in personam action brought pursuant to this chapter.

9-16-14 sets forth the procedure for in personam actions

- Lists the requirements for the complaint and service of process.
- Requires the defendant to file a verified answer within 30 days of notice
- o If no answer is filed within allotted time, subsection € allows the state attorney to seek default judgment and dispose of property as authorized in this chapter.

O When an answer is filed, subsection (f) requires a bench trial within 60 days after the last claimant was served and prohibits discovery unless a party applies to the court to allow it. If discovery is allowed, the court may continue the trial date to a date within 60 days of the end of discovery.

- Allows intervention in a civil forfeiture action by an owner/interest holder, or person in possession of seized property, who has suffered pecuniary or physical injury due to violations of certain code sections.
- Where there is a determination of liability, subsection (g) requires the court to enter a judgment of forfeiture of the property described in the complaint and authorize the seizure of all property ordered forfeited that has not been seized previously.

9-16-15 provides for temporary relief such as restraining orders and injunctions in order to preserve the availability of property subject to forfeiture.

If property is seized or a forfeiture lien is filed without a judicial determination of probable cause, the court may issue a show cause order on application filed by an owner/interest holder within 30 days after notice of the seizure or a forfeiture lien.

This section further allows the court to order that seized property be sold to satisfy a specified interest of any interest holder, and any balance of the income be returned to the custody of the court in an interest bearing account subject to further proceedings under this chapter.

9-16-16 provides for stays of criminal proceedings.

Here, the court may stay a civil forfeiture action during the pendency of criminal proceedings. An acquittal or dismissal in a criminal proceeding does not preclude civil forfeiture actions.

9-16-17 allows for the intervention of certain parties as previously mentioned under 9-16-13 and 14.

9-16-18 establishes the state's burden of proof which is by clear and convincing evidence.

Subsection (b) authorizes the trier of fact to infer that currency is subject to forfeiture where found in close proximity to the contraband. Subsection © creates a rebuttable presumption of forfeiture under certain enumerated circumstances which have each been proven by clear and convincing evidence.

In addition, the Code section also establishes an Innocent Owner Defense

Here, the evidentiary burden is on the owner/interest holder to show that he or she is not privy to the criminal conduct nor could have reasonably known about the conduct giving rise to the forfeiture; did not consent to it; and would not financially benefit from it.

An innocent owner must also show that his or her property interest pre-dated the completion of the alleged misconduct, and the alleged criminal did not have authority to convey away the interest. For interest acquired after the completion of the alleged misconduct, the owner must establish he or she is a bona fide purchaser for value before the filing of a forfeiture lien and before the effective date of a notice of pending forfeiture, was unaware of the illegal transaction or that the property was likely to be subject to forfeiture.

However, if the innocent owner holds title to a vehicle jointly with a person whose conduct gave rise to the forfeiture, the defense will not apply.

9-16-19 provides for the vesting of seized property. It vests with the state at the time of the conduct giving rise to the forfeiture except for an Innocent Owner.

9-16-20 provides for disposition of seized property and, if sold, the requirements for sale of such property. The proceeds of a sale are paid into the registry of the court. The state attorney then submits a proposed order of distribution. All property forfeited from the same civil forfeiture action is pooled together and a fair market value given to each item with a total value

established for the pool (excludes currency).

The first distribution from the pool pays costs and expenses, including court costs. The currency portion of the remaining pool is distributed pro rata to law enforcement agencies and multijurisdictional task forces according to their role in the seizure of the property.

Subsection (f)(4) provides up to 10 percent to the district attorney's office for its efforts in prosecuting the forfeiture proceedings. However, the money may only be used for enumerated expenses.

(f)(5)(A)(i) Ensures that distributed property is correctly titled in political subdivisions.

(ii) Limits currency distributed to law enforcement agencies and multijurisdictional task forces for law enforcement purposes to no more than 33 1/3% of the amount of local funds made available to such entity for the fiscal year in which such funds are distributed.

(f)(5)(B) Requires property distributed in kind to the state be delivered to the Department of Administrative Services and any currency be paid into the general fund and sets forth intended uses.

(g)(1) Requires the AOC to create and post an annual reporting form that law enforcement agencies and multijurisdictional task forces must submit.

(g)(2) Requires law enforcement agencies and multijurisdictional task forces that have received forfeited property to submit an annual report to the political subdivisions and district attorneys governing their jurisdiction along with its annual budget request.

(g)(3) Requires annual forfeiture reports to be submitted to the Carl Vinson Institute of Government.

(g)(4) Prohibits law enforcement agencies and multijurisdictional task forces from receiving property derived from civil forfeiture actions for two years if they fail to submit their annual report or misuse forfeited property.

9-16-21 Allows the court to order the forfeiture of other property belonging to a claimant or defendant in certain enumerated circumstances and allows the state attorney to bring a civil action against any person with notice when the property is rendered unavailable.

Subsection € provides a 4 year statute of limitations after the last conduct giving rise to forfeiture or the claim for relief should have become known.

9-16-22 Addresses property seized or forfeited pursuant to federal law. Where federal law provides, property will be transferred to a state law enforcement agency/political subdivision to be used in accordance with federal law. Where federal law is silent, the property and its proceeds will be disposed of and used as set forth in 9-16-20.

## PART II: CONFORMING TITLE 16 TO THE NEW CIVIL FORFEITURE PROCEDURE

Part II amends Title 16 forfeiture statutes to require that property is forfeited in accordance with the procedures of the new UCFPA.

## PART III: CONFORMING OTHER ENUMERATED TITLES TO THE NEW CIVIL FORFEITURE PROCEDURE AND CORRECTING TERMINOLOGY

## PART IV: EFFECTIVE DATE, APPLICABILITY, AND REPEALER

Act is effective on July 1, 2013, for seizures of property for forfeiture that occur on or after that date.

- **Authored By:** Rep. Wendell Willard of the 51st
- **House Committee:** Judiciary
- **House Committee Passed:** 2/28/2013
- **Rule:** Modified-Structured

## HB 123 - Parent and Teacher Empowerment Act; enact

- **BILL SUMMARY:** House Bill 123 enacts the "Parent and Teacher Empowerment Act" to convert existing schools to charter schools or to impose turnaround models for low achieving schools. This bill lists those who are able to submit petition to the local school board and the turnaround models that can be imposed.

- **Authored By:** Rep. Edward Lindsey of the 54th
- **House Committee:** Education
- **House Committee Passed:** 2/12/2013
- **Rule:** Modified-Open

**HB 159 - Ad valorem tax; property tax bills shall not include any nontax related fees or assessments; provide**

- BILL SUMMARY: This legislation defines what "nontax related fees or assessments". As well as provides that any partial payments made by the property owner shall be applied to the property tax balance first, and not the nontax related fees.
- **Authored By:** Rep. Brett Harrell of the 106th
- **House Committee:** Ways & Means
- **House Committee Passed:** 2/28/2013
- **Rule:** Structured

**HB 164 - Sales and use tax; exemption regarding sale or use of engines, parts, equipment or other property used in maintenance of certain aircraft; eliminate sunset**

- BILL SUMMARY: This legislation would extend the sunset date to June 30, 2015 for the exemption of sales tax on materials used for maintenance of aircraft that are repaired or maintained within the state, but are registered outside of the state.
- **Authored By:** Rep. Alex Atwood of the 179th
- **House Committee:** Ways & Means
- **House Committee Passed:** 2/28/2013
- **Rule:** Structured

**HB 188 - Professions and businesses; certain military certifications entitle persons to obtain certain professional licenses in this state; provide**

- BILL SUMMARY: HB 188 provides for newly discharged veterans who have received specialized skilled trades training to be issued an initial license if the training received is determined by the agency to be sufficient for a license issuance. This initial license would only apply to the first application and the licensee would still be subject to future requirements. Additionally the legislation provides for a spouse of an active duty personnel stationed in Georgia, to be able to receive a license for certain skilled trades if the issuing agency determines that the craftsman has met standards that meet or exceed those standards established in Georgia.
- **Authored By:** Rep. Christian Coomer of the 14th
- **House Committee:** Defense & Veterans Affairs
- **House Committee Passed:** 2/21/2013
- **Rule:** Modified-Open

**HB 193 - Sales and use tax; tangible personal property to certain nonprofit health centers; provide exemption only for a limited period of time**

- BILL SUMMARY: HB 193 seeks to provide a two year exemption for sales tax paid by certain non-profit groups. The exemption would begin on July 1, 2013 and continues through June 30, 2015. These groups would include: federally qualified nonprofit health centers (FQHC), nonprofit volunteer health clinics, qualified food banks, and qualified job training organizations. Additionally food donated for either purpose of hunger relief or in times of disaster would be exempt from sales tax during this time period.
- **Authored By:** Rep. Ron Stephens of the 164th
- **House Committee:** Ways & Means
- **House Committee Passed:** 2/28/2013
- **Rule:** Structured

**HB 215 - Superior courts; filings in the clerk's office; change provisions**

- BILL SUMMARY: HB 215 allows for changes in office hours in the clerk's office for offices with three or fewer employees. It allows clerks to refuse filings that are not accompanied by the appropriate fees.
- **Authored By:** Rep. Tommy Benton of the 31st
- **House Committee:** Judiciary
- **House Committee Passed:** 2/28/2013
- **Rule:** Modified-Open

## **HB 250 - Local excise tax; sale or use of energy; revise certain provisions**

- BILL SUMMARY: HB 250 clarifies the manner in which localities can impose the excise tax on energy used in manufacturing as well as the manner in which that tax may be collected. Dealer for purposes of the energy excise tax means any person or company that sales energy in a retail format. These dealers are allowed compensation for the collection of such taxes, in the manner that 3% of the first \$3,000 and 1.5% thereafter, of any monthly amounts paid to each governmental authority which is levying such a tax. The bill also provides penalties and lays out what types of actions may be brought against dealers of energy that must remit these taxes, but which knowingly fail remit such taxes.

- **Authored By:** Rep. Tom Rice of the 95th

- **House Committee:** Ways & Means

- **House Committee Passed:** 2/28/2013

- **Rule:** Structured

## **HB 276 - Hazardous site response; appropriations to Department of Natural Resources and Georgia Hazardous Waste Management Authority; change certain procedures**

- BILL SUMMARY: HB 276 amends O.C.G.A. 12-8-95.1(h) by extending the levying of fees for the hazardous waste trust fund until July 1, 2018.

HB 276 also amends O.C.G.A. 12-8-95 relating to the Hazardous Waste Trust Fund by striking language that would allow for a transfer on an annual basis to the Georgia Hazardous Waste Management Authority (Pollution Prevention Assistance Division).

The bill also relates to tire disposal restrictions and fees by adding a new paragraph to O.C.G.A. 12-8-40.1(h) that states, "the fee amount provided for in this subsection shall be subject to to revision pursuant to Code Section 45-12-92.2."

This bill also extends the 75 cent per ton tipping fee collected by any solid waste disposal facility other than an inert landfill to 2018.

This bill also provides for automatic fee adjustments for the hazardous waste fees, the solid waste disposal fee, and the tire disposal fee.

For the purpose of making appropriations to the functions required to administer the programs supported by the fees collected, the Office of Planning and Budget (OPB) must determine the base amount of the fee. "Base amount" is defined as the total amount of fee proceeds collected during the fiscal year preceding the fiscal year for which the current appropriation amount is being determined. Additionally, OPB must establish what amount would be 25 percent of the base amount collected in fees, and add that amount to the current appropriation to determine the target amount of appropriation. If the new appropriation is equal to or greater than 95 percent of the base amount, or equal to or greater than the target amount, the amount of the fee collected will not be reduced.

However, if the new appropriation amount is less than the target appropriation amount, the fees collected will automatically be reduced by 25 percent. In this case, OPB must notify the collecting entity, when the Appropriations Act becomes law. Any fiscal year when the appropriation again meets the target amount, the fee amount will increase back to the prior amount. This new automatic adjustment of fees does not preclude any appropriation of greater amounts from taking place by OBP. Each collecting agency affected by this bill must confer with OPB to promulgate rules and regulations as would be required, including appropriate public notification of any fee amount change.

Prior to the adoption of the current fiscal year's amended supplementary appropriations bill, the application of a single fee outlined in this Code section may be waived and suspended for up to a single fiscal year.

- **Authored By:** Rep. Chad Nimmer of the 178th

- **House Committee:** Natural Resources & Environment

- **House Committee Passed:** 2/28/2013

- **Rule:** Modified-Structured

## **HB 289 - Funds transfers; Uniform Commercial Code and federal law; clarify certain provisions**

- BILL SUMMARY: HB 289 clarifies Article 4A of the Uniform Commercial Code's applicability to remittance transfers under the federal Electronic Fund Transfer Act.

- **Authored By:** Rep. Trey Kelley of the 16th

- **House Committee:** Judiciary

- **House Committee Passed:** 2/28/2013

- **Rule:** Modified-Open

**HB 304 - Freeport exemption; applicability to fertilizer production processes; clarify**

- BILL SUMMARY: This legislation clarifies a part of the Freeport exemption law, so as to ensure that raw materials used in the production of fertilizers would enjoy the exemption.
- **Authored By:** Rep. Tom McCall of the 33rd
- **House Committee:** Ways & Means
- **House Committee Passed:** 2/28/2013
- **Rule:** Structured

**HB 323 - Motor vehicles; age for operation of certain commercial motor vehicle operators; modify**

- BILL SUMMARY: HB 323 is the annual "housekeeping" bill for the Georgia Department of Public Safety (DPS). It codifies certain rules and regulations that had been adopted by DPS in order to be in compliance with federal law.
- **Authored By:** Rep. Alan Powell of the 32nd
- **House Committee:** Motor Vehicles
- **House Committee Passed:** 2/27/2013
- **Rule:** Modified-Structured

**HB 359 - Unclaimed property; commissioner of revenue to deposit certain funds in state treasury; require**

- BILL SUMMARY: HB 359 provides the ability to the Commissioner of Revenue to deposit revenues from unclaimed property into the general fund instead of retaining such revenues in a segregated account of the state.
- **Authored By:** Rep. Chad Nimmer of the 178th
- **House Committee:** Ways & Means
- **House Committee Passed:** 2/28/2013
- **Rule:** Structured

**HB 366 - Peace officers; disciplining certified officers and requirements for certification; clarify application of provisions**

- BILL SUMMARY: HB 366 replaces "peace officer" with "officer", which has the effect of bringing communications officers and jail officers, who are already certified by POST under the purview of the executive director to suspend their certification when they are indicted for a felony. Section two of the bill removes the requirement for 6 month waiting period for retaking the Academy Entrance Exam. The legislation also changes POST training requirements for year of initial training and the year of retirement. Also provides for the executive director to suspend the certification of those who fail to complete or submit evidence of annual training requirements.
- **Authored By:** Rep. Bill Hitchens of the 161st
- **House Committee:** Public Safety & Homeland Security
- **House Committee Passed:** 2/26/2013
- **Rule:** Modified-Structured

**HB 375 - Insurance; cancellations under certain circumstances relating to policy terms that permit an audit or rate investigation and noncompliance by insured; provide**

- BILL SUMMARY: HB 375 provides that if the terms of a business insurance policy permit an audit or rate investigation and the insured fails to submit to or allow an audit or rate investigation for the current or most recently expired term, the insurer may, after notification of potential cancellation, send written notice to the insured at least ten days prior to the effective date of cancellation in lieu of the number of days' notice otherwise required by law. No cancellation notice shall be mailed within 20 days of the first documented effort to notify the policyholder of potential cancellation.
- **Authored By:** Rep. Bruce Williamson of the 115th
- **House Committee:** Insurance
- **House Committee Passed:** 2/27/2013
- **Rule:** Modified-Open

**HB 381 - Natural Resources, Department of; department creation and operation of a nonprofit corporation; revise provisions**

- BILL SUMMARY: House Bill 381 amends O.C.G.A. 12-2-6 by allowing three members of the DNR Board to serve as non-voting members of the board of directors for the Georgia Natural Resources Foundation.
- **Authored By:** Rep. Matt Hatchett of the 150th
- **House Committee:** Natural Resources & Environment
- **House Committee Passed:** 2/28/2013
- **Rule:** Modified-Open

### **HB 382 - Torts; governing authority of school that enters into recreational joint-use agreement with public or private entity; limit liability**

- BILL SUMMARY: HB 382 provides that a Board of Education does not waive its sovereign immunity by allowing its recreation facilities to be used by another entity so long as there is a joint-use agreement, and the entity has \$1 million insurance policy.

Because state agencies cannot agree to hold harmless clauses in favor of third parties due to restrictions on waiving sovereign immunity, the committee substitute provides an exemption for the state. (1980 Att'y Gen. Op. 80-67)

- **Authored By:** Rep. Jay Powell of the 171st
- **House Committee:** Judiciary
- **House Committee Passed:** 2/28/2013
- **Rule:** Modified-Structured

### **HB 389 - Insurance; provide conversion and enhanced conversion rights and coverage; sunset requirements**

- BILL SUMMARY: HB 389 provides that upon the effective date of to the federal Patient Protection and Affordable Care Act (ACA), an insurer shall not be required to offer conversion and enhanced conversion rights and coverage. Each insurer may terminate, cancel, or nonrenew all existing conversion and enhanced conversion coverage as of this date, provided that the insurer provides at least 90 days' notice prior to the discontinuance of the coverage to policyholders and to the Commissioner.

Finally, as of the ACA effective date, health insurers or managed care organizations shall not be required to offer health care policies under the Georgia Health Insurance Assignment System and Georgia Health Benefits Assignment System. Said insurer may terminate any existing policy provided that they provide at least 90 days notice to the insured and the Commissioner. An insurer may not terminate, cancel, or nonrenew any policy under this paragraph if, at the end of the 90 day cancellation period, the insured would not have at least 90 days of remaining open enrollment to obtain insurance coverage through an ACA exchange.

- **Authored By:** Rep. Darlene Taylor of the 173rd
- **House Committee:** Insurance
- **House Committee Passed:** 2/27/2013
- **Rule:** Modified-Open

### **HB 393 - Georgia Workforce Investment Board; provide for powers and duties; provisions**

- BILL SUMMARY: HB 393 aims to enumerate the powers and duties of the State Workforce investment Board; set a prioritization of service in addition to veterans and their spouses to add to those receiving unemployment compensation; defines entities who may act as a "fiscal agent/grant recipient"; codifies the role of the chief elected officials within the local workforce investment areas; mandates that local board set a quorum policy with a minimum 50 percent of board membership being present for meetings; set a clear conflict of interest policy for the local workforce boards so that members cannot hold contracts for services with the board in which they are asked to serve; establish contracting for services policy for local workforce areas; set sanctions for failing and non-performing local workforce areas in accordance with federal law; set a cap on supportive services as a percentage of total allotment provided to each local workforce area, and that supportive services must also have full documentation to each expenditure for each participant; provide the State Workforce Investment Board the authority to remove local workforce area board chairs and directors who are ineffective, not meeting performance standards, or having conflicts of interest; provide the State Workforce investment Board the authority to remove fiscal agents based on a lack of sound financial policies and recognized accounting standards; set an approval requirement for expenditures exceeding \$5,000 to a single vendor/sub-recipient/grantee in a local workforce area.

- **Authored By:** Rep. Mark Hamilton of the 24th
- **House Committee:** Industry and Labor
- **House Committee Passed:** 2/26/2013
- **Rule:** Modified-Structured

### **HB 400 - Elections; population brackets and the census for approval of bonded debt; repeal certain provisions**

- BILL SUMMARY: A Bill to repeal a population act originally applicable to Fulton County relating to the date to hold county-wide bond or school bond elections in the county's unincorporated areas.

- **Authored By:** Rep. Chuck Sims of the 169th
- **House Committee:** Intragovernmental Coordination
- **House Committee Passed:** 2/21/2013
- **Rule:** Modified-Open



### **HB 443 - Fulton County Magistrate Court; successor to chief judge currently serving shall be appointed by Governor; provide**

- BILL SUMMARY: A Bill to provide that the successor to the chief magistrate judge of the Magistrate Court of Fulton County currently serving shall be appointed by the Governor, to provide that after one four-year term, the chief magistrate shall be elected in nonpartisan elections, to provide for the appointment of magistrates, to provide for the assignment of responsibilities, and to provide for the filling of vacancies.
- **Authored By:** Rep. Wendell Willard of the 51st
- **House Committee:** Intragovernmental Coordination
- **House Committee Passed:** 2/27/2013
- **Rule:** Modified-Open

### **HB 451 - Chattahoochee Judicial Circuit; provide for additional judge**

- BILL SUMMARY: State appropriations have been set aside for two new judgeships. HB 451 provides for the appointment of two new judgeships in the order of priority suggested by the Judicial Council. HB 451 creates one new judgeship in the Chattahoochee circuit and one in the Oconee circuit and provides for initial appointment of the new judgeships by the Governor.

In addition, HB 451 provides for the election and term of the chief judge of the Chattahoochee Judicial Circuit.

The committee substitute adds provisions from Rep. Matt Ramsey's HB 56 which changes the county circuit dates for the Griffin Circuit. The Griffin Circuit includes Fayette, Pike, Spalding and Upson Counties.

- **Authored By:** Rep. Calvin Smyre of the 135th
- **House Committee:** Judiciary
- **House Committee Passed:** 2/26/2013
- **Rule:** Modified-Open

### **HB 475 - Drivers' licenses; commissioner to enter into reciprocal agreements on behalf of Georgia for recognition of licenses issued by foreign territories; authorize**

- BILL SUMMARY: HB 475 permits the Commissioner of Driver Services to enter into reciprocal agreements with other countries so that a holder of a valid driver's license in one country could obtain a license in the other without having to be tested. In Georgia, a foreign national would still have to prove lawful presence.
- **Authored By:** Rep. B.J. Pak of the 108th
- **House Committee:** Motor Vehicles
- **House Committee Passed:** 2/27/2013
- **Rule:** Modified-Open

### **HB 482 - Corrections, Department of; employees serving as certified peace officers may retain their weapons under certain circumstances; provide**

- BILL SUMMARY: HB 482 allows an employee leaving his or her position after 20 or more years of service as a certified officer, within the Department of Corrections or Board of Pardons and Paroles, and under honorable conditions to retain his or her department issued weapon as part of his or her compensation.
- **Authored By:** Rep. Jay Neal of the 2nd
- **House Committee:** State Properties
- **House Committee Passed:** 2/28/2013
- **Rule:** Modified-Open

### **HR 46 - Pierce Lovett Cline Memorial Bridge; Newton County; dedicate**

- BILL SUMMARY: This substitute is the annual road facility dedication resolution. Included in the substitute are HRs: 46,47, 48, 72, 229, 272, 340, 450, 485, 503.
- **Authored By:** Rep. Doug Holt of the 112th
- **House Committee:** Transportation
- **House Committee Passed:** 2/28/2013
- **Rule:** Modified-Structured

### **HR 389 - Affordable Care Act; \$100 billion federal sales tax on health insurance; request repeal**

- BILL SUMMARY: HR 389 is a resolution requesting Congress to repeal the \$100 billion federal sales tax on health insurance imposed by the Affordable Care Act.
- **Authored By:** Rep. Alex Atwood of the 179th
- **House Committee:** Insurance
- **House Committee Passed:** 2/27/2013
- **Rule:** Modified-Structured

### **HR 411 - Trooper Lieutenant Joseph "Joey" Keith Boatright Memorial Bridge; Carroll County; dedicate**

- BILL SUMMARY: This substitute is a set of road facility dedications honoring fallen State Troopers who were killed in the line of duty serving the State of Georgia. The substitute includes HRs: 45, 71, 144, 145, 161, 217, 388, 411, 451, 487, 511.
- **Authored By:** Rep. Dustin Hightower of the 68th
- **House Committee:** Transportation
- **House Committee Passed:** 2/28/2013
- **Rule:** Modified-Structured

### **HR 502 - Joint Study Committee on Mental Health and School Violence; create**

- BILL SUMMARY: House Resolution 502 creates the Joint Study Committee on Mental Health and School Violence.
- **Authored By:** Rep. Kevin Tanner of the 9th
- **House Committee:** Health & Human Services
- **House Committee Passed:** 2/27/2013
- **Rule:** Modified-Open

*\* The Rules Committee will next meet on Tuesday, March 5, at 9:00 AM, to set the Rules Calendar for the 30th Legislative Day.*

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## **COMMITTEE ACTION REPORT**

### **Appropriations**

#### **HR 549 - House Study Committee on Professional Licensing Boards; create**

- BILL SUMMARY: HR 549 ( LC 33 5141)

A House Study Committee on Professional Licensing Boards will be created to study the following items, but not limited to these items.

The existing structure of licensing boards will be studied to determine whether each structure:

1. Is streamlined, optimizes efficiencies of scale, and provides for the appropriate state entity or entities to oversee licensing boards;
2. Provides adequate staffing needs;
3. Includes available, affordable technologies for faster, more reliable electronic record keeping;
4. Currently assesses adequate licensing fees to support the direct and indirect costs to the state for the various boards to provide such services; and
5. Is effective and efficient relating to any matters associated with licensing professions in this state.

- **Authored By:** Rep. Ed Rynders of the 152nd
- **Committee Action:** Do Pass

### **Banks & Banking**

#### **HB 465 - Debtor and creditor; repeal Chapter 5, relating to debt adjustment; enact new Chapter 5, relating to debt management services**

- BILL SUMMARY: Text.
- **Authored By:** Rep. Chuck Martin of the 49th
- **Committee Action:** Failed

### **Economic Development & Tourism**

#### **HB 318 - Georgia Tourism Development Act; revise certain definitions; provisions**

- BILL SUMMARY: House bill 318 makes changes to the Georgia Tourism Development Act.
- The term "agreement" means an agreement for a tourism attraction project between the Department of Community Affairs and an approved company.
- "Annual sales and use tax" means state sales and use taxes remitted to the state that were generated by sales to the general public at the approved tourism attraction during the calendar year immediately preceding the date of the tax refund

claim.

- An “approved company” must be an entity that has submitted an approved application to undertake a tourism attraction project. Only one company may be approved per project.
  - “Incremental sales and use tax” is defined as taxes remitted to the state that were generated by sales to the general public at the approved tourism attraction from the date on which construction of the expansion project is completed through the end of the calendar year immediately preceding the date of filing the refund claim, less the state sales and use taxes remitted to the state that were generated by the general public during the 12 month period immediately preceding the commencement of the construction.
  - “Local sales and use tax” is defined as any sales and use tax levied and imposed in an area consisting of less than the entire state.
  - A “sales and use tax refund” is the amount equal to the lesser of the annual sales and use tax or 2.5% of the total of all approved costs incurred at any time prior to January 1st of the year the claim is filed.
  - “Tourism attraction” is defined as a cultural or historical site; a recreation or entertainment facility; a convention hotel and conference center; an automobile race track, including, but not limited to, the Atlanta Motor Speedway, with other tourism amenities; a golf course facility with other tourism amenities; marinas and water parks with lodging and restaurant facilities designed to attract tourists; or a Georgia crafts and products center.
  - Tourism attractions will not be primarily devoted to the retail sale of goods, shopping centers, restaurants, or movie theaters.
  - The Commissioner of Economic Development and the Commissioner of Community Affairs will have the discretion to grant an approved company a sales and use tax refund for new projects or an incremental sales and use tax refund for expansions of existing tourism attractions.
  - The term of the agreement granting a refund will be ten years, commencing on the date the attraction opens and begins to collect taxes or, for an expansion, the date construction is complete.
  - For each calendar year or partial calendar year occurring during the term of the agreement, the company will file a claim with the Department of Revenue for a refund by March 31st of the following year.
  - No sales and use tax refund will be granted to a company that is simultaneously receiving any other state tax incentive associated with any one tourism attraction project.
  - Refunds will be made without interest.
  - Applications must be filed with the Department of Community Affairs, which will also be responsible for reviewing the compliance of an agreement.
- **Authored By:** Rep. Ron Stephens of the 164th
- **Committee Action:** Do Pass as Amended

## Health & Human Services

### **HB 511 - State employees' health insurance plan; pilot program to provide coverage for bariatric surgical procedures for treatment and management of obesity; provide**

- **BILL SUMMARY:** House Bill 511 creates a two year pilot program to provide coverage for bariatric surgical procedures for State Health Benefit Plan participants. The program is required to be limited to no more than 75 participants.

Eligible SHBP participants must meet criteria established by the department that must include the following:

- 1.) Participation in SHBP's wellness program for at least 12 months.
- 2.) Completion of a health risk assessment.
- 3.) A body mass index of greater than 40 or greater than 35 with one or more co-morbidities.
- 4.) Consent to provide personal and medical information.
- 5.) Non tobacco user.
- 6.) No other primary group health coverage or primary coverage with Medicare.
- 7.) Must be covered under SHBP for two years immediately prior to the pilot program and must express intent to continue coverage under SHBP for two years following the procedure date.

The bariatric surgical procedures covered in the pilot program are the gastric band, laparoscopic sleeve gastrectomy, and Rouen-Y gastric bypass.

This legislation creates a panel to review the results and outcomes of the pilot program.

The department is required to provide an annual report to the General Assembly each year of the program.

- **Authored By:** Rep. Katie M. Dempsey of the 13th

- **Committee Action:** Do Pass by Committee Substitute

## Health & Human Services

### **HB 513 - Education; Georgia Medical Center Authority; abolish**

- **BILL SUMMARY:** HB 513 repeals Title 20, Section 15 relating to the Georgia Medical Center Authority.

- **Authored By:** Rep. Penny Houston of the 170th

- **Committee Action:** Do Pass

## **Health & Human Services**

### **HR 603 - Community Health, Department of; collect and report certain data relating to bariatric surgical procedures; direct**

- BILL SUMMARY: House Resolution 603 directs the Department of Community Health to provide the following claims data related to bariatric surgery to Health & Human Services and Appropriations Committees of the House and Senate by December 31, 2013:

- 1.) Date of surgery.
- 2.) Type of procedure.
- 3.) Open or laparoscopic surgery.
- 4.) Actual cost of surgical procedure.
- 5.) Patient comorbidities documented after surgery as well as the costs of such comorbidities.
- 6.) Absentee records after surgery.

- **Authored By:** Rep. Katie M. Dempsey of the 13th

- **Committee Action:** Do Pass

## **Human Relations & Aging**

### **HB 290 - Labor; employees use sick leave for care of immediate family members; allow**

- BILL SUMMARY: HB 290 known as the "Family Care Act" would allow employees working for any business with 10 or more employees to use five or more of their accrued sick/medical leave to care for a sick immediate family member; defined as child, spouse or parent. The Commission of Labor will be responsible for setting the rules and implementing this act.

- **Authored By:** Rep. Katie M. Dempsey of the 13th

- **Committee Action:** Do Pass by Committee Substitute

## **Human Relations & Aging**

### **HB 398 - Consumer transactions; licensed personal care homes and community living arrangements to use certain terms; authorize**

- BILL SUMMARY: HB 398 changes the terms 'personal care services' and 'personal care home(s)' in all the code sections to a new license called 'licensed residential living level 1 facility' and changes the terms 'assisted living community(ies)' and 'assisted living' in all the code sections to a new license called 'licensed residential living level 2 facility.'

- **Authored By:** Rep. Howard Maxwell of the 17th

- **Committee Action:** Do Pass by Committee Substitute

## **Insurance**

### **HB 511 - State employees' health insurance plan; pilot program to provide coverage for bariatric surgical procedures for treatment and management of obesity; provide**

- BILL SUMMARY: House Bill 511 creates a two year pilot program to provide coverage for bariatric surgical procedures for State Health Benefit Plan participants. The program is required to be limited to no more than 75 participants.

Eligible SHBP participants must meet criteria established by the department that must include the following:

- 1.) Participation in SHBP's wellness program for at least 12 months.
- 2.) Completion of a health risk assessment.
- 3.) A body mass index of greater than 40 or greater than 35 with one or more co-morbidities.
- 4.) Consent to provide personal and medical information.
- 5.) Non tobacco user.
- 6.) No other primary group health coverage or primary coverage with Medicare.
- 7.) Must be covered under SHBP for two years immediately prior to the pilot program and must express intent to continue coverage under SHBP for two years following the procedure date.

The bariatric surgical procedures covered in the pilot program are the gastric band, laparoscopic sleeve gastrectomy, and Rouen-Y gastric bypass.

This legislation creates a panel to review the results and outcomes of the pilot program.

The department is required to provide an annual report to the General Assembly each year of the program.

- **Authored By:** Rep. Katie M. Dempsey of the 13th

- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 505 - Madison County; board of elections and registration; create**

- BILL SUMMARY: A Bill to create a board of elections and registration in Madison County and to provide for its powers and duties.
- **Authored By:** Rep. Alan Powell of the 32nd
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **HB 508 - Charlton County; Board of Education; change provisions relating to compensation of members**

- BILL SUMMARY: A Bill to provide compensation for the members of the Charlton County Board of Education.
- **Authored By:** Rep. Ellis Black of the 174th
- **Committee Action:** Do Pass

## **Judiciary Non-Civil**

### **HB 407 - Drivers' licenses; mandatory use of ignition interlock devices following second conviction for driving under influence of alcohol or drugs; modify and extend provisions**

- BILL SUMMARY: The committee substitute to HB 407 amends Code sections relating to ignition interlock devices by mandating the use for one (1) year when required by the court or applied for by the offender and granted by the court.
- **Authored By:** Rep. Alan Powell of the 32nd
- **Committee Action:** Do Pass by Committee Substitute

## **Judiciary Non-Civil**

### **HB 480 - Crimes and offenses; list of persons who may be present in courtroom when person under age of 16 testifies concerning a sex offense; add victim assistance personnel**

- BILL SUMMARY: When a person under the age of 16 is testifying in a criminal trial concerning a sexual offense, the court clears the courtroom except for certain enumerated persons. HB 480 adds a couple additional exceptions such as victim assistance coordinators and advocates.
- **Authored By:** Rep. Mandi Ballinger of the 23rd
- **Committee Action:** Do Pass

## **Juvenile Justice**

### **HB 236 - Uniform Interstate Family Support Act; update**

- BILL SUMMARY: HB 236 updates the Uniform Interstate Family Support Act (UIFSA), last revised in 1996, which provides a substantive and procedural framework for the establishment, modification and subsequent enforcement of support orders among the states. Since then, UIFSA has been modernized to streamline interstate cooperation and to comply with the new Hague Maintenance Convention.
- **Authored By:** Rep. Regina Quick of the 117th
- **Committee Action:** Do Pass by Committee Substitute

## **Natural Resources & Environment**

### **HB 402 - Conservation; shore protection and coastal marshlands protection; revise various provisions**

- BILL SUMMARY: HB 402 amends the Shore Protection Act and the Coastal Marshland Protection Act by extending DNR the authority to issue letters of permission and to impose reasonable fees for processing them. The bill defines the term "Letter of Permission" within the Acts to allow the Department of Natural Resources to authorize activities that do not result in new impacts outside of existing, serviceable structures or temporary activities that do not exceed six months. The bill also provides for a fifteen day public notice period prior to the issuance of any such letter.
- **Authored By:** Rep. Ron Stephens of the 164th
- **Committee Action:** Do Pass by Committee Substitute

## **Public Safety & Homeland Security**

### **HB 512 - Safe Carry Protection Act; enact**

- BILL SUMMARY: House Bill 512 amends multiple sections of Georgia's weapons Code to allow for expanded carry rights for license holders and to clean up and clarify language regarding weapons law in this state.

HB 512 allows for carry in places of worship, bars, on college campuses. It also gives more discretion to determine eligibility of an applicant after a mental health waiver is signed. The legislation makes unknowingly carrying a weapon in a non-restricted area of a commercial airport a misdemeanor offense. Finally, the bill gives the power to regulate weapons law to the state legislature. This Act is known as the "Safe Carry Protection Act".

- **Authored By:** Rep. Rick Jasperse of the 11th

- **Committee Action:** Do Pass by Committee Substitute

## **Regulated Industries**

### **HB 301 - State Construction Industry Licensing Board; Division of Roofing Contractors; create**

- BILL SUMMARY: House bill 301 creates a new division of the existing State Construction Industry Licensing Board, to be known as the Division of Roofing Contractors. This legislation calls for the following:

- Corporations and other entities will be licensed based upon the qualifications of at least one of their owners or employees. The license is good for two years. Employees of roofing contractors will not need licensure, if their employer holds a roofing contract license.
- Applicants must demonstrate to the division that : they have a written safety plan; they have the competency, ability, and integrity required to perform the roofing contracting business; they are financially sound and responsible; and, they have general liability and workers comp insurance. Renewal applicants must take up to four hours of continuing education in safety, technical, business management, and government regulation fields.
- Georgia roofing contractors with at least two years of experience can be grandfathered in without taking an examination, provided they meet the other requirements of the law.
- Licensed residential and general contractors will not need additional licensure to do roofing at their projects. Other groups that need not be licensed are: homeowners, maintenance workers at a business, farm and ranch employees for service buildings, regular full-time employees of a business at the business, GDOT employees roofing department facilities, and municipal and utility employees at their own facilities.

The bill also adds regulation of roofing and roofing contractors to the general powers of the existing State Construction Industry Licensing Board. Five members are added to comprise the roofing contractor board. Three members will be roofing contractors, one a professional engineer or architect, and one a county or municipal chief building inspector.

- **Authored By:** Rep. Tom Weldon of the 3rd

- **Committee Action:** Do Pass

## **Regulated Industries**

### **HB 517 - Alcohol; local control of distance requirements of grocery stores and other licensees for retail sale of wine and malt beverages near college campuses; provide**

- BILL SUMMARY: House bill 517 provides for local control of distance requirements for grocery stores and other retailers of wine and malt beverages, by allowing licensees of the retail sale of these beverages to be located within 100 yards of any college camps as permitted by resolution or ordinance of the county or municipality.

- **Authored By:** Rep. Chuck Williams of the 119th

- **Committee Action:** Do Pass by Committee Substitute

## **Retirement**

### **HB 238 - Public School Employees Retirement System; limitation on maximum level of benefits; clarify certain provisions**

- BILL SUMMARY: HB 238 increases the membership dues for firefighters and volunteer firefighters that are members of the Georgia Firefighters' Pension Fund from \$15.00 to \$25.00 per month. This is a nonfiscal retirement bill.

- **Authored By:** Rep. Howard Maxwell of the 17th

- **Committee Action:** Do Pass by Committee Substitute

## Retirement

### **HB 377 - Garnishment; exemptions of pension or retirement funds or benefits; change provisions**

- BILL SUMMARY: This bill revises language in Chapter 4 of Title 18 of the Official Code of Georgia relating to property and persons subject to garnishment. This bill removes "payments made to a pension or retirement program" from the definition of "earnings." Also, this bill removes the reference to US Code for the definition of "welfare benefits" and "pension or retirement program" and adds definitions for welfare benefit, pension or retirement program, employee benefit plan, and employee organization to the Official Code of Georgia. This is not a retirement bill; therefore, there is no retirement certification.

- **Authored By:** Rep. Ronnie Mabra of the 63rd

- **Committee Action:** Do Pass

## Transportation

### **HB 196 - Transportation, Department of; notify municipal authorities prior to removal of trees in certain instances; require**

- BILL SUMMARY: House bill 196 would require that the department of Transportation notify a municipal governing authority prior to the department's removal of trees along any portion of road along the state highway system in conjunction with a road maintenance or improvement project when the road lies within a municipality that has a landscape or tree ordinance. This would not apply when the trees in question constitute an existing hazard to the traveling public.

- **Authored By:** Rep. Bob Bryant of the 162nd

- **Committee Action:** Do Pass by Committee Substitute

## Transportation

### **HB 501 - Transportation, Department of; remove all trees in public right of way capable of falling on interstate or limited-access highway; require**

- BILL SUMMARY: House bill 501 requires that the department remove all trees located in the public right of way that are capable of falling onto any portion of the main traveled way of an interstate or limit access highway in this state. The department may designate a third party to remove a tree as described here after utilizing a competitive bid process. These bids must include consideration of the appraised value of the tree to be removed and the resale value such tree may have as timber.

- **Authored By:** Rep. Al Williams of the 168th

- **Committee Action:** Do Pass

## Ways & Means

### **HB 211 - Motor fuel excise tax; public school systems under certain circumstances; exempt**

- BILL SUMMARY: HB 211 exempts school districts from the excise tax on fuel used in school buses from July 1, 2013 until June 30, 2015.

- **Authored By:** Rep. Tommy Benton of the 31st

- **Committee Action:** Do Pass by Committee Substitute

## Ways & Means

### **HB 272 - Income tax credit; certain qualified investments for limited period of time; extend**

- BILL SUMMARY: HB 272 would extend the "Angel Income Tax Credit" for two additional tax years (2014 and 2015), with a reduced aggregate cap on the credit being limited to 5 million dollars per tax year. No other changes to the original credit are made in the legislation.

- **Authored By:** Rep. Allen Peake of the 141st

- **Committee Action:** Do Pass by Committee Substitute

## Ways & Means

### **HB 399 - Ad valorem tax; types of interests in real property may be subject to taxation; clarify**

- BILL SUMMARY: HB 399 amends § 6-3-21 to clarify that holders of usufructs in municipally owned airports shall not be subject to ad valorem taxation by the county government in which the municipally owned airport is located.

- **Authored By:** Rep. David Knight of the 130th

- **Committee Action:** Do Pass by Committee Substitute

*\* Bills passing committees are reported to the Clerk's Office, and are then placed on the General Calendar.*

## **COMMITTEE MEETING SCHEDULE**

**Tuesday, March 05, 2013**

TBD	<a href="#">Floor Session (LD29)</a>	HOUSE CHAMBER (10:00am)
8:00 AM - 9:00 AM	<a href="#">Utilities Subcommittee of Energy, Utilities &amp; Telecommunications</a>	406 CLOB
8:00 AM - 9:00 AM	<a href="#">GOVERNMENTAL AFFAIRS</a>	606 CLOB
8:00 AM - 9:00 AM	<a href="#">JUDICIARY CIVIL</a>	132 CAP
9:00 AM - 10:00 AM	<a href="#">RULES</a>	341 CAP
2:00 PM - 4:00 PM	<a href="#">EDUCATION</a>	506 CLOB
3:00 PM - 5:00 PM	<a href="#">WAYS &amp; MEANS</a>	606 CLOB

*\* This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change. To keep up with the latest schedule please visit [www.house.ga.gov](http://www.house.ga.gov) and click on [Meetings Calendar](#).*